

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, APRIL 5, 2012, 1:00 P.M.**

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**CALL TO ORDER**

Gary Goodchild, Chairperson, called the meeting to order at 1:00 p.m.

Commission

|                  |                |               |               |             |
|------------------|----------------|---------------|---------------|-------------|
| Members Present: | Gary Goodchild | Bill Mitchell | Bob Peregrine |             |
|                  | Fritz Ruf      | Pat Haukohl   | Jim Siepmann  | Walter Kolb |

Commission

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager  
Elfriede Sprague, Clerk Typist III  
Sarah Spaeth, Waukesha County Board  
Lief Hauge, Sr. Civil Engineer, Land Resources Division

Guests Present: Dale Kolbeck - Architectural Homes by Anders Inc., SCS-528  
Tim Knepprath, MSI General, CU-1282A and PO-12-GNT-1

**CORRESPONDENCE:** None.

**MEETING APPROVAL:** None.

**MINUTES** Approval of the March 1, 2012, Minutes

- *Mr. Ruf moved, seconded by Mr. Peregrine and carried unanimously for approval of the March 1, 2012, Minutes.*

**PUBLIC COMMENT**

Chairperson Goodchild asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

- **ZT-1730 (Town of Brookfield), Section 28**

Mr. Fruth pointed out the location of the property in the Town of Brookfield on the southwest corner of Woelfel Road and Wisconsin Ave and indicated the request is to rezone the property from the RM-2 Multi-Family Residential District to the RM-2 Multi-Family District with a Planned Unit Development Overlay District.

Mr. Fruth explained the proposed rezoning is being requested to allow for a 20 resident residential care facility that will care for individuals suffering from Alzheimer's and dementia. The facility would be located on a 1.15 acre site that currently consists of two parcels at the southwest corner of Wisconsin Avenue and Woelfel Rd. The building would be positioned on the west half of the property with a 13 car parking lot, which is inclusive of one handicapped parking stall. The site is located in an area that is characterized by mixed uses. There is a church to the north, residential condominiums to the west, commercial use to the south and an assisted living facility to the east. SEWRPC has advised us that

such facilities are appropriate in either the Institutional or higher density residential settings, which this project complies with as it is in the medium density residential category. The rezoning will encompass the creation of a Planned Unit Development (PUD) Overlay District that will be applied to the existing RM-2 Multi-Family Residential District. The PUD will provide for more design flexibility, given that the use is not a conventional multi-family use. Traditional multi-family regulations would not be appropriate as the site contains one large shared living unit for the residents, with a home style kitchen, dining, living, office and activity space. The proposed facility complies with most of the basic requirements of the RM-2 District, specifically the 25% floor area ratio limitation and meets both setback and offset requirements.

Soils mapping indicates that there are potential high groundwater conditions on the site. However, the Town Planner and the Developer have advised that a basement is not being proposed. The petitioner is proposing to locate a detention pond in the northeast corner of the site to capture runoff from the roof and parking area. The pond will be lined with clay, which will prevent storm water from contaminating groundwater. Through a mutual agreement for review of development projects proposed on Wisconsin Avenue, the City of Brookfield provided comments regarding plans for the project to the Town. The City has specific concern relative to projects that discharge into Underwood Creek. The Town and City Engineering Staff will review the final Storm Water Plans to ensure that storm water management is sufficient and that the project does not contribute negatively to flooding. Mr. Fruth reminded the Commission the request is for the rezone only and the project will be subject to further review during the Plan of Operation and the PUD planning process.

Mr. Ruf questioned whether 13 stalls would be enough parking spaces. Mr. Fruth replied the number of stalls complies with the ADA requirements and appears to contain adequate parking for staff and visitors, as the residents would not have vehicles.

***After discussion, Mrs. Haukohl moved, seconded by Mr. Ruf, and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.***

- **ZT-1731 (Text Amendment) Town of Delafield**

Mr. Fruth stated the request is for text amendments to the Town of Delafield Zoning Ordinance to allow for the keeping of chickens and repeal sections relative to non-residential structures used solely in conjunction with the raising of water fowl, minnows, and other similar lowland animals, fowl or fish.

Mr. Fruth explained the keeping of chickens in residential areas appears to be a trend in several communities. Following that trend, this amendment serves three purposes: to define chicken coops and runs, to allow them in certain specified zoning districts and to delete some language relating to the keeping of fowl as essentially the new language is taking care of that issue. The second part of the amendment addresses the allowance of structures for the raising of fowl, water, fowl, minnows and other similar lowland animals and fish. The Town has acknowledged there is no reason to provide for these animals on small residential properties and has removed the language.

At the public hearings, there were comments from the public both for and against the ordinance. Some residents expressed concerns regarding noise and odor. Others thought the number of chickens proposed to be allowed (8 per parcel), was too low, in particular on larger parcels. The language does require that coops and runs meet double the offset requirements for the district in which they are located, or to the extent feasible. Staff did note in their report some concern with the “as feasible” provision, because there

is no standard mentioned as to what would warrant relief from the standard. Staff believes this opens up a door for case by case subjective review, whereas it might be more appropriate to define what site conditions would warrant relief. Staff also felt it might be more appropriate to send those requests to a Board of Appeals.

Mr. Fruth further explained the ordinance does not allow for any commercial activities associated with the keeping of chickens, i.e., no sale of eggs or chickens. Research indicates that one hen lays one egg per day from May through October and then sporadically. He stated that the County ordinance requires a minimum of 3 acres for the keeping of chickens, and once you achieve three acres, you are allowed 20 chickens on the parcel. Mrs. Haukohl asked what size parcels will the chickens to be allowed on? Mr. Fruth replied a few of the allowable districts could have lots of less than one-half acre. Several Commissioners expressed concern about having 8 chickens on a one-half acre lot. Mr. Fruth replied that the Staff asked the Town Planner why they decided on the number and he replied, there were a lot of numbers suggested and the number 8 came up as a compromise. He also indicated that the Town believed a chicken laid an egg every other day.

Mr. Goodchild felt that most people raise the chickens as a hobby and typically give the eggs away. He commented that just because eight chickens are allowed does not mean everyone will have that many. Mr. Fruth added the raising of the chickens will require an annual license, so there will be a review process.

Mr. Fruth stated Staff did have a few concerns regarding the ordinance and recommended that the Town consider further code refinements in the future. In particular Staff recommends that consideration be given to a minimum lot size requirement, modify the language “as feasible” as it allows for fairly subjective review, and that they consider adding an absolute minimum offset/setback requirement for these types of structures, and include a reference to manure management techniques. Mrs. Haukohl felt the ordinance language needed to be clearer as to what is or is not allowed, what is a nuisance, lot sizes, manure management, etc.

Mr. Kolb commented he thought it was a good idea for Staff to make the recommendations to the Town, and pass the ordinance as is. If the Town feels the ordinance is not working as proposed or is causing problems, it can always be modified or rewritten. Several Commissioners agreed and felt the ordinance was a good starting point.

***After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann, and carried with 6 “yes” votes (Mrs. Haukohl voted “no”) for approval, in accordance with the “Staff Report and Recommendation”.***

**• SCU-0601C (Camp Whitcomb/Mason) Town of Merton, Sections 1, 2, 11 and 12**

Mr. Fruth pointed out the location of the property, in Sections 1, 2, 11 and 12 between Camp Whitcomb Road on the west and Center Oak Road on the east in the Town of Merton on the aerial photograph and indicated the request is to update the existing Conditional Use Permit.

Mr. Fruth stated Camp Whitcomb was originally founded in 1911 and has expanded over the years. In 1985, a Conditional Use Permit was issued granting the camp legal non-conforming use status. Since that time, there have been several changes and amendments. This amendment is to clarify the boundaries of the camp and the number and type of special events that will be held over the course of the year. The camp is composed of 9 parcels containing approximately 300 acres and contains 1,900 ft. of frontage on Lake Keesus.

Mr. Fruth explained the Town has limited the camp to 10 special events throughout the year, such as the Lumber Jack Brunch, triathlons, fall festivals, etc. These special events are to be limited to 2,000 people attending. Events anticipated to have more than 2,000 people will need to apply for a Conditional Use amendment prior to the first year of the event. The camp is also looking to host the “Dirty Girl Mud Run” which is estimated to draw 10,000 to 16,000 people during a two day event. Although the Town has approved this request in their Conditional Use Permit, the County has not. It will have to be approved with a separate Conditional Use Amendment and hearing, as no detail for this event was provided with the application. The County also added the condition that any and all events remain compliant with the Environmental Health Division, Sanitary and Restaurant regulations.

*After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PO-12-MRTT-01 (Camp Whitcomb/Mason) Town of Merton, Sections 1, 2, 11 and 12**

Mr. Fruth indicated the request was related to the previous Conditional Use (SCU-0601C) listed above.

Mrs. Haukohl questioned whether the Camp sanitary system could accommodate the large events. Mr. Fruth replied that portable facilities will be needed for large events.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Ruf and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **CU-1282A (River Glen Christian Church) Town of Genesee, Section 15**

Mr. Fruth pointed out the location of the property, at S31 W30601 Sunset Drive in the Town of Genesee on the aerial photograph and indicated the request is to amend the existing Conditional Use Permit to allow for a building addition on the east side of the property.

Mr. Fruth stated the church was constructed in 2004 with a Conditional Use. At that time the church disclosed they would be considering a future expansion to the south. The petitioner is now proposing to modify the location of the addition from the south side of the building to the east side, which requires an amendment to the Conditional Use Permit. The addition will be 29,688 sq. ft. in size and will consist of a new sanctuary, entrance area, bathrooms, and a coffee shop area and office space. The new sanctuary will have 1,200 seats. The existing sanctuary will be converted to a multi-use area. The multi-use area will continue to have seating for a maximum of 600 persons and will be used for meetings, weddings, funerals, concerts and schooling, etc. The remainder of the existing building will contain offices, meeting areas, a kitchen, daycare, classrooms, a playground and additional bathrooms. The uses will remain the same and will be limited to those uses specifically permitted in the 2001 Conditional Use Permit. There will also be a large expansion of the parking area. The Environmental Health Division has reviewed the plan and approved it, however they are requiring weekly water usage readings be taken and submitted twice annually. If it is found that water usage is higher than anticipated, improvements to the septic system could potentially be required.

The adjacent owner to the west did have a concern regarding stormwater runoff onto her agricultural property. Mr. Fruth explained that the soils in the area of concern are designated as hydric, which means

that groundwater is within one (1) ft. of the surface. The water table has been unusually high over the last several years after the church was constructed, likely because of historic rain events and heavy snowfall; therefore in a normal spring wet soils are to be expected. He added the same owner also expressed concern regarding salt runoff from the enlarged parking lot area. The Dept. of Public Works had reviewed the site when the church was new and has determined that no additional highway improvements will be necessary.

Mr. Hauge, Sr. Civil Engineer, gave a brief synopsis of the Stormwater Management and Erosion Control Plans for the church. He explained the church is located on the summit of the hill with very steep sides and when the original plans were submitted, the Land Resources Division was working with their 1998 ordinance, which did not address infiltration. However an attempt was made to create an infiltration area in the southwest portion of the property. This is an area of hydric soils and in wet seasons it tends to fill up with water and can occasionally overtop. The current (2005) ordinance does require the church do infiltration, which is 10% of the two year storm runoff. The church has done soil testing and has designed an infiltration basin. The basin will be approximately 100 ft. long by 50 ft. wide and designed to fill with about 6" maximum of water before it overflows to a swale and is directed away. He pointed out the area of the new parking lot and described the measures that are being required to control runoff. Mr. Hauge noted that State standards require parking lot runoff not be sent directly into infiltration basins, because any salt that may be in the runoff can potentially damage the basin.

Mr. Hauge further explained that currently, a small portion of the storm water runoff flows directly over the driveway entrance that intersects with Brookhill Road. The petitioner is proposing to add an additional traffic lane and median strip to the existing driveway. The driveway will be pitched to force water to runoff to the sides and a flume will be constructed at the entrance of Brookhill Road to prevent water from leaving the site. Mrs. Haukohl asked if the salt is contained and what happens to it. Mr. Hauge replied that basically it will be absorbed into the ground water. On a rare occasion water and salt may flow to the adjacent property, as there is a flow channel running in that direction, but it should be contained in a very small area. The natural flow of the water in the area does go southwest. He noted that the petitioner's plans meet all the requirements of the ordinance.

Chairman Goodchild asked Mr. Kim Knepprath, of MSI General if he had any questions or concerns. Mr. Knepprath replied he has read the conditions and is in agreement with all the conditions of the Town and the County.

*After discussion, Mr. Siepmann moved, seconded by Mr. Mitchell, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **PO-12-GNT-1 (River Glen Christian Church) Town of Genesee, Section 15**

Mr. Fruth indicated the request was related to the previous Conditional Use (CU-1282A) listed above.

Mr. Fruth stated that the Plan of Operation includes a Lighting Plan, a 33 foot cross, the Parking Plan, and the Landscaping Plan. Several signs are being proposed, including a two sided freestanding brick sign and a reader board. The reader board is limited to changing messages every three seconds. Mrs. Haukohl questioned the brightness of the reader board. Mr. Knepprath replied that it is a LED reader with a photo sensor mounted on it which will make it brighter during day and dimmer at night. He explained that brighter light is harder to read in the dark and dimmer lights are easier to read.

*After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **SCS-528 (Anders Inc. - Dale and Diane Kolbeck) Town of Oconomowoc, Section 9**

Mr. Fruth pointed out the location of the property on the east side of Mill St., approximately 1/3 of a mile south of C.T.H. "CW", with frontage on the Ashippun River in the Town of Oconomowoc on the aerial photograph and stated the request was for an interpretation of a condition of approval granted on November 4, 1993, to permit the creation of a lot not abutting a public road. He stated that when contacted by representatives of Anders, the Staff researched the history of the Certified Survey Map. At that time there was a requirement that a Deed Restriction be recorded that further development or division of the site, would require the construction of a public road. Mr. Fruth stated he contacted Jeff Herrmann of the Town and they discussed what the interpretation of the word "development" was, because literally it could be one new house. They believed it was not the intent of the Planning Commission. At the time of the creation of the CSM, the parcel was in the Agricultural Transition District and it was expected that at some time in the future it would be subdivided. Now, Anders, Inc. has a buyer who would like to locate one home on the acreage. The Town Plan Commission does not believe a public road is necessary nor do they have the desire to maintain a short road that would serve two homes. He stated that Staff is just asking for confirmation that the Planning Commission does agree with their interpretation of the previous Planning Commission action. The Commission suggested that even though the CSM identifies an access easement that there be Driveway Agreement recorded. Mr. Kolbeck indicated an agreement would be drawn up.

*After a brief discussion Mr. Ruf moved, seconded by Mrs. Haukohl, and carried unanimously to approve the interpretation of the "Staff Memorandum" that the construction of one single-family residence on the 42.4 acre remnant parcel (Tax Key No. OCOT 0466.997.007) without the construction of a public road is in conformance with the approval that was granted on November 4, 1993, to permit the creation of Lot 2 of Certified Survey Map No, 7250 as a lot not abutting a public road. Unless the 1993 condition of approval is amended by the Waukesha County Park and Planning Commission, any subsequent divisions of the remnant parcel will require a public road to be constructed in accordance with Town standards and dedicated to the Town of Oconomowoc.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mrs. Haukohl to adjourn at 2:05 p.m.*

Respectfully submitted,

*Pat Haukohl*

Pat Haukohl  
Secretary

PH:es